

Spatial Planning Performance Report

Quarters 1 and 2, 2016 (01 April to 30 September 2016)

Executive Summary

This report provides information on the performance of the Spatial Planning Team in Quarters 1 and 2, 2016. It gives members of the Development Management Committee the opportunity to oversee performance against a number of indicators.

The Council's performance against the statutory function of determining planning applications and maintaining an up to date local plan is vital to investment in the Bay. A strong well functioning planning service is important for long term, sustainable economic growth. Investors look at, for example, the degree to which Members follow officer advice, the percentage of approvals on major applications, how quickly those decisions are made and how robust the policy framework is against which these decisions are made.

The Council has performed well in the determining all three categories against which it is assessed on performance in Development Management. The decision rate against target for major applications being well above target and there has been a significant improvement its performance for minor and other planning applications, bringing performance above target.

There are some areas that require attention such as production of neighbourhood plans, replacement of the site review meeting process which uses a disproportionate level of resources and can be a stressful experience for applicants. In addition that there is a need to review business processes within the department to look at making more efficient use of technology, in order that the service remains robust and fit for purpose.

Headlines

The following areas of performance are highlighted given their importance in national measures of Local Planning Authorities; these indicate a good picture for Torbay in the national context:

- Major planning applications 100% in quarter 1 and 90% in quarter 2 were determined in time (either within 13 weeks or within the time agreed with the developer). This is well above the Government's special measures threshold of 50%.
- 17 appeals have been determined, of which 70.5% were dismissed and 23.5% were allowed.
- The new Torbay Local Plan 2012-2030 is embedded into decision-making and is proving to be an effective tool for decision making. The rate of success at appeal has increased, with Inspectors supporting the Council in decisions that are contrary to the up-to-date policies.
- It is intended to adopt the Community Infrastructure Levy (CIL), with CIL applying to smaller developments and S106 agreements continuing to apply to major new developments. A public hearing will take place on 9th November. It is anticipated that CIL will be adopted in early 2017.

Performance against 8/13 week target time period:

The combined performance for quarters 1 and 2 is:

Major applications – 95% (In the same period in 2015 this was 77.5%)

Minor applications - 90.2% (In the same period in 2015 this was 50.6%)

(includes applications for fewer than 10 dwellings, small office, light industrial development and retail development)

Other applications – 95.38% (In the same period in 2015 this was 67.8%) (includes change of use, householder, listed building and certificate of lawfulness applications)

Performance

The following areas of performance are set out in this report:

- (1) Local and Neighbourhood Plans
- (2) Planning appeal decisions
- (3) Performance on Major planning applications
- (4) Performance on Minor and Other planning applications
- (5) Number of applications and fees
- (6) Forthcoming applications
- (7) Enforcement
- (8) Strategy and Transport
- (9) Operational Matters.

1. Local and Neighbourhood Plans

The new Torbay Local Plan 2012-30 (adopted December 2015) is proving an effective tool in decision making. Inspectors are supporting decisions that are contrary to adopted policies, and the rate of success at appeal has increased. The policy framework in the Local Plan provides an effective platform to improve the quality of development. This is especially apparent in terms of size of dwellings, provision of residential space and design quality within conservation areas.

Neighbourhood Plans are continuing to progress and the department has invested resource into supporting each of the Neighbourhood Forums where it has been possible. Torquay Neighbourhood Forum has completed their pre-submission consultation and the Council understands they are expecting to submit the plan to Council in January with examination around April, and a referendum in the summer. Both Paignton and Brixham Forums are working towards their pre-submission consultations, which are expected in the near future.

2. Planning Appeal Decisions

Seventeen appeals have been determined in the last six months. Twelve cases were dismissed, four were allowed and there was one split decision. One application for costs against the Council was dismissed (Ben Venue, Middle Warberry Road, Torquay). A summary of these cases is attached at Appendix A. All these appeals have been dealt with by the written representations process.

The Council has successfully defended 70.5% of appeals against a target of 60%. This should be seen as a good level of performance that reflects good quality decision making on planning applications. It is worth noting that a 100% success rate at appeal would indicate that the Council is not refusing enough planning applications and therefore would not be performing at the most effective level.

3. Performance on Major Planning Applications

Determinations within 13 weeks

Councils are expected by the Government to determine at least 50% of major planning applications within 13 weeks, or within an extended time period agreed with the applicant. Authorities that fail to reach this standard will be subject to special measures. Quarter 1's performance on Major Planning Applications was 100 % determined in time or within an agreed timescale and Quarter 2's performance was 90% determined in time or within an agreed timescale.

DCLG statistics that are published nationally include a measure of quality of decision making for major decisions. In the period January 13 to December 14 Torbay ranked 182 of 341 Local Authorities.

This reflects a strong performance on determining the larger applications at a rate well above the national target. These applications generally relate to major investment and regeneration proposals and performing well above target is a reflection of good performance.

Decisions made at Development Management Committee are in the majority of cases consistent with the officer's recommendation. In the six month period from April to September 2016 24 applications were determined, and of these 2 decisions were overturned by the committee. This is an 8% overturn rate. This demonstrates a strong consistency between officers and members of the committee in making planning decisions.

This level of consistency in decision making provides applicants with a high level of certainty that the eventual decision will be likely to follow the advice that they have received through the negotiation process.

4. Performance on 'Minor' and 'Other' Planning Applications

Last year the Government announced that it intends to extend performance measures to non- major development. No relevant criteria have been announced or timescales for this measure, although it is likely to apply to performance levels below 60%-70%. In response to this the DM team have focused on improving their performance against target. Performance for the last two quarters is;

Minor applications determined in time or with an agreed extension of time

Quarter 1	92.16%
Quarter 2	88.24%

Other applications determined in time or with an agreed extension of time

Quarter 1	96.53%
Quarter 2	94.38%

In comparison with the level of performance in the same period last year there has been a notable improvement. This has been achieved through a greater focus and prioritisation of targets. In addition, greater use of extensions of time where the case officer agrees an extended time period for determination of an application with the applicant has taken place.

In the DCLG published data for quality of minor and other decisions October 2012 to September 2014 Torbay ranked 79 of 341 Local Authorities. For speed of minor and other decisions July 2014 to June 2016 Torbay ranked 129 of 344 Local Authorities.

It is unlikely at this level of performance that special measures will be imposed.

5. Number of applications and fee income

In comparison with the same period in 2015 the number of planning applications received has increased with a commensurate increase in fee income. The number of pre application inquiries received has decreased but fee income has increased.

	1/4/15 - 25/10/15	1/4/16 - 25/10/16
Planning Applications (of which Majors)	679 (15)	740 (18)
Planning Application Fees	£210,286	£300,096
Pre-Applications	310	255
Pre-Application Fees	£29,020	£30,042

6. Forthcoming applications

The following is a list of forthcoming Major projects and their current status:

Site Address	Summary proposal	Target DMC
Pavillion, Torquay	Hotel, Flats, Car Parking	Jan 17
Claylands	Industrial	December 16
Collaton St Mary	Residential	Appln awaited
Shedden Hall Hotel	Residential	December 16
Former B and Q site	Residential	December 16
White Rock Retail	Retail	TBC
Torquay Gateway	Mixed use	Appln awaited

7. Planning Enforcement

Planning enforcement remains challenged by the level of resource available. As previously reported it is intended to transfer this service into Community Safety to work alongside other posts undertaking the same or similar work in order that the Authority can provide a collaborative solution to complaints. This will be a more effective and efficient way of working for the Authority that will avoid duplication.

In the first two quarters of this year one Listed Building enforcement notice and two breach of condition notices have been served.

8. Strategy and Transport Performance

Community Infrastructure Levy

The adoption of CIL is subject to a public hearing with the examiner following a consultation period. The public hearing will take place on 9th November 2016. Following that hearing it is

expected that the examiner will consider the points raised and the evidence already submitted by all parties over a few weeks, before making a final decision. It is anticipated that CIL will be formally adopted in early 2017.

The Council proposed some modifications in September 2016 to the CIL policy, which have been out to consultation and those comments will be reviewed by both the Council and the examiner in due course. In principle the Council proposed seeking CIL for all qualifying developments with the exception of the larger sites in the Future Growth Areas – where it was suggested that S106 will continue to be used. The modification that was proposed in September for charging was as follows:

Zone	Site Size (£ per sq m)		
	1-3 dwellings	4-14 dwellings	15+ dwellings
Built up areas based on top 20% deprivation	Zero	£30	£30
Elsewhere in the built up area	£30	£70	£70
Outside the built up area	£70	£70	£140
Future Growth Area	£70	£70	Zero – S106 Obligations will be used to secure infrastructure funding

SPD Planning Contributions and Affordable Housing

The Supplementary Planning Document (SPD) Planning Contributions and Affordable Housing is in the process of being refreshed. A report will be presented to Full Council on 8th December 2016 seeking its adoption

Local Development Scheme

The LDS is a project management document for an Authority's Development Plan, setting out the range of documents that will be prepared and the timescales for their production. The requirement to produce a LDS was introduced by the Planning and Compulsory Purchase Act 2004. We must prepare and maintain an up to date scheme in accordance with the current Development Plan policy framework.

Following the adoption of the Local Plan we must now review and update this document and a check of this will be carried out by the DCLG during the assessment the Local Plan in April 2017.

Masterplans

The Strategy and Project Delivery Team are working alongside the TDA in support of the delivery of key Masterplan sites. Currently initial work has commenced on Development Briefs for some of the Town Centre sites.

Public Health

A Public Health Supplementary Planning Document (SPD) is in production and it is intended to consult on this document in early 2017. This will combine the key messages from public health and spatial planning and work towards a Healthy Torbay.

Heritage Action Zone

Although not successful with the zone designation, Historic England has confirmed their support for the Paignton proposal and will be working with officers to deliver individual elements of the scheme. The initial proposal included outcomes based around four themes, understanding the impact of the masterplan on heritage assets; manage and produce an action plan; promotion of culture through new initiatives; invest in disrepair of key buildings and the public realm.

Great Place Scheme

Working alongside the Torbay Culture Board, Spatial Planning has been successfully chosen to progress to the next round of the funding competition. There are three main areas of activity which are Creative Coastline (arts and heritage); Creative Coast (Coastline Strategy, public realm improvements, cultural and activity projects); and Create Commissioning (using partnerships to grow the capacity of arts, culture and heritage). We have sought £1.4m over 3 years for this project.

Local Enterprise Partnership Growth Deal

The LEP are setting the priority agenda for the South West Growth Deal 3 settlement. Further news is expected around the Autumn Statement. Officers have worked with the executive lead members to ensure that Torbay Transport Schemes are included within the priority list. The list contains 23 schemes, of which Paignton Town Centre (Train Station, Bus Station, Highway) is number 4. It is not expected that the settlement will fund more than 5 transport schemes across the LEP area.

Officers are also continuing with the delivery of Edginswell Station, following agreement of the LEP to fund £4m and the supportive resolution of the Development Management Committee in April 2016. The ongoing work has included the submission of technical documents to Network Rail for consideration and preparing a funding bid, to cover the remainder of the costs, for submission to DfT/Network Rail for New Stations Fund 2.

The LEP has also funded highway projects, in excess of £10m, within Torbay. The Strategy and Project Delivery team are responsible for ensuring the funding is spent as intended and updating business cases and claims accordingly for those schemes. The Western Corridor and Torquay Gateway schemes are on site currently with only minor works necessary to complete the Torquay Town Centre Access scheme.

Peninsula Rail Task Force

We have worked with the regional PRTF (Torbay, Somerset, Devon, Plymouth, and Cornwall) to secure improvements to the rail network around three key aims, resilience; journey times; and Capacity and Comfort. The 20 year plan, currently out for consultation, will be presented to Government in November and it is hoped it will form a blueprint for investment by Government in the region's railway network.

Access Fund

Following the completion of the School travel planning work at the end of the school year officers helped, through project management, to ensure the project delivered successful outcomes within budget. The project achieved a sign-up from 75% of primary schools and 11 nationally accredited awards. It has set the foundations for Public Health's "Healthy Learning Project" which is expected to be launched next year.

The Department for Transport then announced an opportunity to apply for further sustainable transport revenue funding, focused on public health and deprivation. A bid has been submitted and the decision is expected at the end of 2016.

Customer and Communities Investment Fund

A fund supported by Great Western Railway which is focused on community benefits at and around stations on their network. Officers are working on the delivery of funding to support new facilities at Torquay Station and a bid has been submitted for further enhancement of the forecourts and station appearance at both Torre and Torquay. If the bid is successful it will enable connections to the Masterplan work in Torquay, along with the Torbay Culture Board and Torbay Community Development Trust.

9. Operational Matters

The Head of Spatial Planning has taken up a two year secondment to the TDA as Regeneration Programme Director. This loss of experience and professional skill set will inevitably impact the operational efficiency of the department. It will be necessary to replace this high level of resource in order to ensure the department is robust and well placed to continue to deliver good quality place making. Without this post in operation Spatial Planning is operating below the resource level of qualified planning professional officers that is needed, and could potentially impact on the ability to meet statutory requirements in the event of absence of existing staff.

There are a number of processes within Spatial Planning that are outdated and need to be made more efficient and fit for purpose. Neighbouring authorities utilise technology to a greater extent than Torbay. The opportunities to transition from a largely paper based system to an electronic system needs to be investigated and implemented. Electronic document management would present an opportunity to streamline the service. The software package and document management system that is currently used are capable of underpinning an electronic operating system.

The Site Review meeting process is disproportionately resource hungry and not an efficient way of determining whether an application should be determined by the Development Management Committee or should be a delegated decision. On a number of occasions it has resulted in a stressful experience for applicants. With the reduction of resources in Development Management it is no longer possible to sustain this part of the decision making process.

Conclusion

The Spatial Planning team continues to be successful and has performed well in relation to key indicators. In addition the Council continues to perform well at appeal.

There will inevitably be challenges ahead. The change in the Head of Spatial Planning taking up a secondment opportunity will impact the operation of the department. On a national scale a new ministerial team may well make changes to the planning system. Changes in the way in which Local Authorities operate, such as devolution, has the potential to necessitate changes to service delivery. The Government has indicated that they will be carrying out trials of alternative providers to process planning applications which could in future change the way in which the service is provided for Local Authorities. There is a need to ensure that the Spatial Planning service remains robust and fit for purpose in order to make an effective contribution to securing inward investment into Torbay.

Performance could be improved through a review of the way in which the department operates. There are a number of outdated processes currently being undertaken that do not make effective use of the resources available. Making greater use of electronic business process systems needs to be investigated and implemented as this would streamline the way in which the service operates, and bring it into line with the operation of neighbouring authorities.